

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**THOMAS F. FRIEDBERG and  
SARAH L. BUNGE,**

**Plaintiffs,**

**v.**

**DAYBREAK, INC. d/b/a HUBER  
& ASSOCIATES,**

**Defendant.**

**3:19-cv-00053-RAM-EAH**

**COUNSEL:**    **Thomas F. Friedberg, Esq.**  
                          *On behalf of Plaintiffs*  
                          **Jeffrey C. Cosby, Esq.**  
                          **Andrew C. Simpson, Esq.**  
                          *On behalf of Defendant*

**SCHEDULING ORDER**

**THIS MATTER** came before the Court on November 14, 2024, for an Initial Conference. Thomas Friedberg, Esq, appeared by videoconference on behalf of Plaintiffs Thomas Friedberg and Sarah Bunge. Jeffrey Cosby, Esq., appeared by videoconference on behalf of Defendant, Daybreak, Inc.

Upon consideration of the parties' Discovery Memoranda, Dkt. Nos. 36 and 37, the parties' Joint Proposed Scheduling Plan, Dkt. No. 38, and the colloquy at the November 14, 2024, Initial Conference, the Court enters the following schedule, to which the parties shall adhere and by which the proceedings in the above-captioned matter shall be governed.

WHEREFORE, it is now hereby **ORDERED**:

1. All factual discovery, including written discovery and fact witness depositions, shall be completed on or before **May 7, 2025**. The parties shall meet and

*Friedberg v. Daybreak*  
3:19-cv-00053-RAM-EAH  
Scheduling Order  
Page 2

confer within one week of receipt of any letter from a party requesting a meet-and-confer conference concerning a discovery issue;

2. Any motion to amend the pleadings or to join additional parties shall be filed on or before **May 21, 2025**.
3. Mediation shall be completed no later than **June 6, 2025**, and shall be conducted pursuant to Local Rules of Civil Procedure Rule 3.2.
4. Plaintiff's experts shall be named and copies of their opinions, as provided in Fed. R. Civ. P. 26(a)(2), shall be served no later than **July 15, 2025**.
5. Defendants' experts shall be named and copies of their opinions, as provided in Fed. R. Civ. P. 26(a)(2), shall be served no later than **August 15, 2025**.
6. All experts' depositions, as provided in Fed. R. Civ. P. 26(a)(2), shall be completed no later than **October 15, 2025**. No rebuttal reports are allowed without leave of Court.
7. All dispositive motions—including *Daubert* motions—shall be filed on or before **December 15, 2025**. No extensions for filing opposition or reply briefs are allowed without leave of Court. If no dispositive motions will be filed in the case, the parties shall file, no later than **December 8, 2025**, a joint notice stating that the parties have not filed and do not intend to file any dispositive motions.

*Friedberg v. Daybreak*  
3:19-cv-00053-RAM-EAH  
Scheduling Order  
Page 3

8. The Plaintiffs shall complete and deliver to counsel for the Defendant their portion of the Joint Final Pretrial Statement in accordance with LRCi 16.1 no later than **February 23, 2026**.
9. The Defendant shall complete and deliver its portion of the Joint Final Pretrial Statement no later than **March 5, 2026**.
10. The Joint Final Pretrial Statement in accordance with LRCi 16.1 shall be filed no later than **March 10, 2026**.
11. The deadline for exhibit and witness lists (including expert witnesses) is **March 10, 2026**.
12. A status conference is scheduled for **June 9, 2025, at 10:00 am (AST)** before the undersigned U.S. Magistrate Judge in STX Courtroom 3. The parties shall appear via videoconference.
  - a. The Clerk of the Court shall provide a link through which the attorneys can access the status conference via videoconference to attorneys for both parties.
13. An interim pretrial conference will be held before the Undersigned Magistrate Judge on **March 13, 2026, at 9:00 am (AST)** in **STT Courtroom 2**.
14. A final pretrial conference will be held before the District Judge on **April 9, 2026, at 9:00 am (AST)**, in **STT Courtroom 1**.

*Friedberg v. Daybreak*  
3:19-cv-00053-RAM-EAH  
Scheduling Order  
Page 4

15. Jury Selection and Trial is set for **April 14, 2026, at 9:00 am (AST)** in **STT Courtroom 1**. This date may be continued if there are pending dispositive motions, a criminal trial that will take precedence, or for other good cause.
16. Any extensions, changes, and/or modification of any dates or deadlines contained herein shall be made only for good cause and only with the Court's consent pursuant to Fed. R. Civ. P. 16(b)(4).

ENTER:

Dated: November 14, 2024

/s/ Emile A. Henderson III  
EMILE A. HENDERSON III  
U.S. MAGISTRATE JUDGE